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**COMMISSION DECISION**

**of 30 November 2009**

**on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria**

*(notified under document C(2009) 9282)*

**(Text with EEA relevance)**

(2009/861/EC)

(OJ L 314, 1.12.2009, p. 83)

Amended by:

|                    |                                                    | Official Journal |      |            |
|--------------------|----------------------------------------------------|------------------|------|------------|
|                    |                                                    | No               | page | date       |
| ► <b><u>M1</u></b> | Commission Decision 2010/276/EU of 10 May 2010     | L 121            | 10   | 18.5.2010  |
| ► <b><u>M2</u></b> | Commission Decision 2010/653/EU of 21 October 2010 | L 283            | 28   | 29.10.2010 |

**COMMISSION DECISION****of 30 November 2009****on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regard the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria***(notified under document C(2009) 9282)***(Text with EEA relevance)****(2009/861/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(1)</sup> and in particular Article 9 thereof,

Whereas:

- (1) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs <sup>(2)</sup> lays down general rules for food business operators on the hygiene of foodstuffs based amongst others on the principles of hazard analysis and critical control points. It provides that food business operators are to comply with certain procedures based on those principles.
- (2) Regulation (EC) No 853/2004 lays down specific rules on the hygiene of food of animal origin for food business operators and supplements the rules laid down in Regulation (EC) No 852/2004. The rules laid down in Regulation (EC) No 853/2004 include hygiene requirements for raw milk and dairy products.
- (3) Pursuant to point (c) of Section B of Chapter 4 of Annex VI to the Act of Accession of Bulgaria and Romania (the Act of Accession), Bulgaria has been granted a transitional period, expiring on 31 December 2009, for compliance by certain milk processing establishments with those hygiene requirements.
- (4) Certain establishments which are authorised to process raw milk which does not comply with the requirements laid down in Regulation (EC) No 853/2004 (non-compliant milk) are listed in Chapter I of the Appendix to Annex VI to the Act of Accession. Certain establishments which are authorised to process both compliant and non-compliant milk, provided that such processing is carried out on separate production lines, are listed in Chapter II of that Appendix.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 55.<sup>(2)</sup> OJ L 139, 30.4.2004, p. 1.

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- (5) Milk production holdings that do not comply with the hygiene requirements laid down in Regulation (EC) No 853/2004 are spread over the whole territory of Bulgaria. The proportion of raw milk that complies with those requirements, delivered to milk processing establishments in Bulgaria, has only increased slightly during the last years.
- (6) Taking into account the current situation, it is appropriate to provide for a time-limited derogation from the hygiene requirements laid down in Regulation (EC) No 853/2004 with a view to permitting Bulgaria to bring its milk sector in compliance with those requirements.
- (7) In light of this situation, certain milk processing establishments listed in Annex I to this Decision should be allowed, by way of derogation from Regulation (EC) No 853/2004, to continue to process also after 31 December 2009 compliant and non-compliant milk provided that the processing is carried out on separate production lines. In addition, certain milk processing establishments listed in Annex II to this Decision should be allowed to continue to process non-compliant milk without separate production lines.
- (8) The marketing of dairy products derived from non-compliant milk should, however, be restricted to Bulgaria or used for further processing in the milk processing establishments covered by the derogation provided for in this Decision.
- (9) The transitional period granted by this Decision should be limited to 24 months from 1 January 2010. The situation in the milk sector in Bulgaria should be reviewed before the end of that period. Bulgaria should therefore submit annual reports to the Commission regarding progress in the upgrading of milk production holdings supplying raw milk to milk processing establishments in that Member State and the system for collecting and transporting non-compliant milk.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purposes of this Decision ‘non-compliant milk’ means raw milk which does not comply with the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004.

**▼B***Article 2*

By way of derogation from the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004, the milk processing establishments listed in Annex I to this Decision may continue to process, until 31 December 2011, compliant and non-compliant milk provided that the processing of the compliant and the non-compliant milk is carried out on separate production lines.

*Article 3*

By way of derogation from the requirements set out in Annex III, Section IX, Chapter I, Subchapters II and III to Regulation (EC) No 853/2004, the milk processing establishments listed in Annex II to this Decision may continue to process, until 31 December 2011, non-compliant milk without separate production lines.

*Article 4*

Dairy products derived from non-compliant milk shall only:

- (a) be placed on the domestic market in Bulgaria; or
- (b) be used for further processing in the milk processing establishments in Bulgaria referred to in Articles 2 and 3.

Such dairy products shall bear a health or identification mark which is different from the health or identification mark provided for in Article 5 of Regulation (EC) No 853/2004.

*Article 5*

Bulgaria shall submit annual reports to the Commission on progress made in bringing the following in compliance with Regulation (EC) No 853/2004:

- (a) production holdings producing non-compliant milk;
- (b) the system for collecting and transporting non-compliant milk;

The first annual report shall be submitted to the Commission by 31 December 2010, at the latest, and the second annual report by 31 October 2011, at the latest.

The form set out in Annex III shall be used for those reports.

*Article 6*

This Decision shall apply from 1 January 2010 to 31 December 2011.

*Article 7*

This Decision is addressed to the Member States.

▼ **M1***ANNEX I***List of milk establishments permitted to process compliant and non-compliant milk as referred to in Article 2**

| No | Veterinary No | Name of establishment         | Town/Street or Village/Region         |
|----|---------------|-------------------------------|---------------------------------------|
| 1  | BG 0412010    | ‘Bi Si Si Handel’ OOD         | gr. Elena<br>ul. ‘Treti mart’ 19      |
| 2  | BG 0512025    | ‘El Bi Bulgarikum’ EAD        | gr. Vidin<br>YUPZ                     |
| 3  | BG 0612027    | ‘Mlechen ray — 2’ EOOD        | gr. Vratsa<br>kv. ‘Bistrets’          |
| 4  | BG 0612043    | ET ‘Zorov- 91 -Dimitar Zorov’ | gr. Vratsa<br>Mestnost ‘Parshevitsa’  |
| 5  | BG 2012020    | ‘Yotovi’ OOD                  | gr. Sliven<br>kv. ‘Rechitsa’          |
| 6  | BG 2512020    | ‘Mizia-Milk’ OOD              | gr. Targovishte<br>Industrialna zona  |
| 7  | BG 0812009    | ‘Serdika — 90’ AD             | gr. Dobrich<br>ul. ‘25 septemvri’ 100 |
| 8  | BG 2112001    | ‘Rodopeya — Belev’ EOOD       | gr. Smolyan,<br>ul. ‘Trakya’ 20       |
| 9  | BG 1212001    | ‘S i S — 7’ EOOD              | gr. Montana<br>‘Vrachansko shose’ 1   |
| 10 | BG 2812003    | ‘Balgarski yogurt’ OOD        | s. Veselinovo,<br>obl. Yambolska      |

▼ **M2***ANNEX II***List of milk processing establishments permitted to process non-compliant milk as referred to in Article 3**

| No | Veterinary No | Name of the establishment | Town/street or village/region           |
|----|---------------|---------------------------|-----------------------------------------|
| 1  | BG 2412037    | ‘Stelimeks’ EOOD          | s. Asen                                 |
| 2  | 0912015       | ‘Anmar’ OOD               | s. Padina<br>obsht. Ardino              |
| 3  | 0912016       | OOD ‘Persenski’           | s. Zhaltusha<br>obsht. Ardino           |
| 4  | 1012014       | ET ‘Georgi Gushterov DR’  | s. Yahinovo                             |
| 5  | 1012018       | ‘Evro miyt end milk’ EOOD | gr. Kocherinovo<br>obsht. Kocherinovo   |
| 6  | 1112004       | ‘Matev-Mlekoproduct’ OOD  | s. Goran                                |
| 7  | 1112017       | ET ‘Rima-Rumen Borisov’   | s. Vrabevo                              |
| 8  | 1312023       | ‘Inter-D’ OOD             | s. Kozarsko                             |
| 9  | 1612049       | ‘Alpina-Milk’ EOOD        | s. Zhelyazno                            |
| 10 | 1612064       | OOD ‘Ikay’                | s. Zhitnitsa<br>obsht. Kaloyanovo       |
| 11 | 2112008       | MK ‘Rodopa milk’          | s. Smilyan<br>obsht. Smolyan            |
| 12 | 2412039       | ‘Penchev’ EOOD            | gr. Chirpan<br>ul. ‘Septemvriytsi’ 58   |
| 13 | 2512021       | ‘Keya-Komers-03’ EOOD     | s. Svetlen                              |
| 14 | 1312002       | ‘Milk Grup’ EOOD          | s. Yunacite                             |
| 15 | 0112014       | ET ‘Veles-Kostadin VeleV’ | gr. Razlog<br>ul. ‘Golak’ 14            |
| 16 | 2312041       | ‘Danim-D. Stoyanov’ EOOD  | gr. Elin Pelin<br>m-st Mansarovo        |
| 17 | 2712010       | ‘Kamadzhiev-milk’ EOOD    | s. Kriva reka<br>obsht. N. Kozlevo      |
| 18 | BG 1212029    | SD ‘Voynov i sie’         | gr. Montana<br>ul. ‘N. Yo. Vaptsarov’ 8 |
| 19 | 0712001       | ‘Ben Invest’ OOD          | s. Kostenkovtsi<br>obsht. Gabrovo       |
| 20 | 1512012       | ET ‘Ahmed Tatarla’        | s. Dragash voyvoda,<br>obsht. Nikopol   |
| 21 | 2212027       | ‘Ekobalkan’ OOD           | gr. Sofia<br>bul ‘Evropa’ 138           |
| 22 | 2312030       | ET ‘Favorit-D. Grigorov’  | s. Aldomirovtsi                         |
| 23 | 2312031       | ET ‘Belite kamani’        | s. Dragotintsi                          |

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| No | Veterinary No | Name of the establishment                  | Town/street or village/region            |
|----|---------------|--------------------------------------------|------------------------------------------|
| 24 | BG 1512033    | ET 'Voynov-Ventsislav Hristakiev'          | s. Milkovitsa<br>obsht. Gulyantsi        |
| 25 | BG 1612020    | ET 'Bor-Chvor'                             | s. Dalbok izvor<br>obsht. Parvomay       |
| 26 | BG 1512029    | 'Lavena' OOD                               | s. Dolni Dębnik<br>obl. Pleven           |
| 27 | BG 1612028    | ET 'Slavka Todorova'                       | s. Trud<br>obsht. Maritsa                |
| 28 | BG 1612051    | ET 'Radev-Radko Radev'                     | s. Kurtovo Konare<br>obl. Plovdiv        |
| 29 | BG 1612066    | 'Lakti ko' OOD                             | s. Bogdanitza                            |
| 30 | BG 2112029    | ET 'Karamfil Kasakliev'                    | gr. Dospat                               |
| 31 | BG 0912004    | 'Rodopchanka' OOD                          | s. Byal izvor<br>obsht. Ardino           |
| 32 | 0112003       | ET 'Vekir'                                 | s. Godlevo                               |
| 33 | 0112013       | ET 'Ivan Kondev'                           | gr. Razlog<br>Stopanski dvor             |
| 34 | 0212037       | 'Megakomers' OOD                           | s. Lyulyakovo<br>obsht. Ruen             |
| 35 | 0512003       | SD 'LAF-Velizarov i sie'                   | s. Dabravka<br>obsht. Belogradchik       |
| 36 | 0612035       | OOD 'Nivego'                               | s. Chiren                                |
| 37 | 0612041       | ET 'Ekoproduct-Megiya-Bogorodka Dobrilova' | gr. Vratsa<br>ul. 'Ilinden' 3            |
| 38 | 0612042       | ET 'Mlechen puls — 95 — Tsvetelina Tomova' | gr. Krivodol<br>ul. 'Vasil Levski'       |
| 39 | 1012008       | 'Kentavar' OOD                             | s. Konyavo<br>obsht. Kyustendil          |
| 40 | 1212022       | 'Milkkomm'<br>EOOD                         | gr. Lom<br>ul. 'Al. Stamboliyski' 149    |
| 41 | 1212031       | 'ADL' OOD                                  | s. Vladimirovo<br>obsht. Boychinovtsi    |
| 42 | 1512006       | 'Mandra' OOD                               | s. Obnova<br>obsht. Levski               |
| 43 | 1512008       | ET 'Petar Tonovski-Viola'                  | gr. Koynare<br>ul. 'Hr. Botev' 14        |
| 44 | 1512010       | ET 'Militsa Lazarova-90'                   | gr. Slavyanovo,<br>ul. 'Asen Zlatarev' 2 |
| 45 | 1612024       | SD 'Kostovi — EMK'                         | gr. Saedinenie<br>ul. 'L. Karavelov' 5   |
| 46 | 1612043       | ET 'Dimitar Bikov'                         | s. Karnare<br>obsht. 'Sopot'             |
| 47 | 1712046       | ET 'Stem-Tezdhan Ali'                      | gr. Razgrad<br>ul. 'Knyaz Boris' 23      |

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| No | Veterinary No | Name of the establishment                | Town/street or village/region                  |
|----|---------------|------------------------------------------|------------------------------------------------|
| 48 | 2012012       | ET 'Olimp-P. Gurtsov'                    | gr. Sliven<br>m-t 'Matsulka'                   |
| 49 | 2112003       | 'Milk-inzhenering' OOD                   | gr. Smolyan<br>ul. 'Chervena skala' 21         |
| 50 | 2112027       | 'Keri' OOD                               | s. Borino,<br>obsht. Borino                    |
| 51 | 2312023       | 'Mogila' OOD                             | gr. Godech,<br>ul. 'Ruse' 4                    |
| 52 | 2512018       | 'Biomak' EOOD                            | gr. Omurtag<br>ul. 'Rodopi' 2                  |
| 53 | 2712013       | 'Ekselans' OOD                           | s. Osmar,<br>obsht. V. Preslav                 |
| 54 | 2812018       | ET 'Bulmilk-Nikolay Nikolov'             | s. General Inzovo,<br>obl. Yambolska           |
| 55 | 2812010       | ET 'Mladost-2-Yanko Yanev'               | gr. Yambol,<br>ul. 'Yambolen' 13               |
| 56 | BG 1012020    | ET 'Petar Mitov-Universal'               | s. Gorna Grashtitsa<br>obsht. Kyustendil       |
| 57 | BG 1112016    | Mandra 'IPZHZ'                           | gr. Troyan<br>ul. 'V.Levski' 281               |
| 58 | BG 1712042    | ET 'Madar'                               | s. Terter                                      |
| 59 | BG 2612042    | 'Bulmilk' OOD                            | s. Konush<br>obl. Haskovska                    |
| 60 | BG 0912011    | ET 'Alada-Mohamed<br>Banashak'           | s. Byal izvor<br>obsht. Ardino                 |
| 61 | 1112026       | 'Ablamilk' EOOD                          | gr. Lukovit,<br>ul. 'Yordan Yovkov' 13         |
| 62 | 1312005       | 'Ravnogor' OOD                           | s. Ravnogor                                    |
| 63 | 1712010       | 'Bulagrotreyd-chastna<br>kompaniya' EOOD | s. Yuper<br>Industrialen kvartal               |
| 64 | 1712013       | ET 'Deniz'                               | s. Ezerche                                     |
| 65 | 2012011       | ET 'Ivan Gardev 52'                      | gr. Kermen<br>ul. 'Hadzhi Dimitar' 2           |
| 66 | 2012024       | ET 'Denyo Kalchev 53'                    | gr. Sliven<br>ul. 'Samuilovsko shose' 17       |
| 67 | 2112015       | OOD 'Rozhen Milk'                        | s. Davidkovo,<br>obsht. Banite                 |
| 68 | 2112026       | ET 'Vladimir Karamitev'                  | s. Varbina<br>obsht. Madan                     |
| 69 | 2312007       | ET 'Agropromilk'                         | gr. Ihtiman,<br>ul. 'P. Slaveikov' 19          |
| 70 | 2412041       | 'Mlechen svyat 2003' OOD                 | s. Bratya Daskalovi<br>obsht. Bratya Daskalovi |

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| No | Veterinary No | Name of the establishment              | Town/street or village/region             |
|----|---------------|----------------------------------------|-------------------------------------------|
| 71 | 2612038       | ‘Bul Milk’ EOOD                        | gr. Haskovo<br>Sev. industr. zona         |
| 72 | 2612049       | ET ‘Todorovi-53’                       | gr. Topolovgrad<br>ul. ‘Bulgaria’ 65      |
| 73 | BG 1812008    | ‘Vesi’ OOD                             | s. Novo selo                              |
| 74 | BG 2512003    | ‘Si Vi Es’ OOD                         | gr. Omurtag<br>Promishlena zona           |
| 75 | BG 2612034    | ET ‘Eliksir-Petko Petev’               | s. Gorski izvor                           |
| 76 | BG 1812003    | ‘Sirma Prista’ AD                      | gr. Ruse<br>bul. ‘3-ti mart’ 51           |
| 77 | BG 2512001    | ‘Mladost-2002’ OOD                     | gr. Targovishte<br>bul. ‘29-ti yanuari’ 7 |
| 78 | 0312002       | ET ‘Mario’                             | gr. Suvorovo                              |
| 79 | 0712015       | ‘Rosta’ EOOD                           | s. M. Varshets                            |
| 80 | 0812030       | ‘FAMA’ AD                              | gr. Dobrich<br>bul. ‘Dobrudzha’ 2         |
| 81 | 0912003       | ‘Koveg-mlechni produkti’<br>OOD        | gr. Kardzhali<br>Promishlena zona         |
| 82 | 1412015       | ET ‘Boycho Videnov —<br>Elbokada 2000’ | s. Stefanovo<br>obsht. Radomir            |
| 83 | 1712017       | ‘Diva 02’ OOD                          | gr. Isperih<br>ul. ‘An.Kanchev’           |
| 84 | 1712019       | ET ‘Ivaylo-Milena Stancheva’           | gr. Isperih<br>Parvi stopanski dvor       |
| 85 | 1712037       | ET ‘Ali Isliamov’                      | s. Yasenovets                             |
| 86 | 1712043       | ‘Maxima milk’ OOD                      | s. Samuil                                 |
| 87 | 1812005       | ‘DAV — Viktor Simonov’<br>EOOD         | gr. Vetovo<br>ul. ‘Han Kubrat’ 52         |
| 88 | 2012010       | ‘Saray’ OOD                            | s. Mokren                                 |
| 89 | 2012032       | ‘Kiveks’ OOD                           | s. Kovachite                              |
| 90 | 2012036       | ‘Minchevi’ OOD                         | s. Korten                                 |
| 91 | 2212009       | ‘Serdika-94’ OOD                       | gr. Sofia<br>kv. Zheleznitza              |
| 92 | 2212023       | ‘EL BI Bulgarikum’ EAD                 | gr. Sofia<br>ul. ‘Malashevska’ 12 A       |
| 93 | 2312028       | ET ‘Sisi Lyubomir Semkov’              | s. Anton                                  |
| 94 | 2312033       | ‘Balkan spetsial’ OOD                  | s. Gorna Malina                           |
| 95 | 2312039       | EOOD ‘Laktini’                         | s. Ravno pole,<br>obl. Sofiyska           |
| 96 | 2412040       | ‘Inikom’ OOD                           | gr. Galabovo<br>ul. ‘G. S. Rakovski’ 11   |

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| No  | Veterinary No | Name of the establishment                 | Town/street or village/region              |
|-----|---------------|-------------------------------------------|--------------------------------------------|
| 97  | 2512011       | ET 'Sevi 2000-Sevie Ibryamova'            | s. Krepcha<br>obsht. Opaka                 |
| 98  | 2612015       | ET 'Detelina 39'                          | s. Brod                                    |
| 99  | 2812002       | 'Arachievi' OOD                           | s. Kirilovo,<br>obl. 'Yambolska'           |
| 100 | BG 1612021    | ET 'Deni-Denislav Dimitrov-Ilias Islamov' | s. Briagovo<br>obsht. Gulyantsi            |
| 101 | BG 2012019    | 'Hemus-Milk komers' OOD                   | gr. Sliven<br>Promishlena zona Zapad       |
| 102 | 2012008       | 'Raftis' EOOD                             | s. Byala                                   |
| 103 | 2112023       | ET 'Iliyan Isakov'                        | s. Trigrad<br>obsht. Devin                 |
| 104 | 2312020       | 'MAH 2003' EOOD                           | gr. Etropole<br>bul. 'Al. Stamboliyski' 21 |
| 105 | 2712005       | 'Nadezhda' OOD                            | s. Kliment                                 |

## ANNEX III

## Report form as referred to in Article 5

| Region     | Total number of dairy farms<br>31.12.2009 | Number of dairy farms with non-compliant milk<br>31.12.2009 | % of non-compliant dairy farms out of the total 31.12.2009 | Total number of dairy farms<br>30.11.2010 | Number of dairy farms with non-compliant milk<br>30.11.2010 | % of non-compliant dairy farms out of the total 30.11.2010 | Total number of dairy farms<br>30.9.2011 | Number of dairy farms with non-compliant milk<br>30.9.2011 | % of non-compliant dairy farms out of the total 30.9.2011 |
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| Summary BU |                                           |                                                             |                                                            |                                           |                                                             |                                                            |                                          |                                                            |                                                           |

| Region | Total number of milk collection points 31.12.2009 | Number of non-compliant milk collection points<br>31.12.2009 | % of non-compliant collection points out of the total 31.12.2009 | Total number of milk collection points 30.11.2010 | Number of non-compliant milk collection points<br>30.11.2010 | % of non-compliant collection points out of the total 30.11.2010 | Total number of milk collection points 30.9.2011 | Number of non-compliant milk collection points<br>30.9.2011 | % of non-compliant collection points out of the total 30.9.2011 |
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| Region     | Total number of milk collection points 31.12.2009 | Number of non-compliant milk collection points 31.12.2009 | % of non-compliant collection points out of the total 31.12.2009 | Total number of milk collection points 30.11.2010 | Number of non-compliant milk collection points 30.11.2010 | % of non-compliant collection points out of the total 30.11.2010 | Total number of milk collection points 30.9.2011 | Number of non-compliant milk collection points 30.9.2011 | % of non-compliant collection points out of the total 30.9.2011 |
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| Summary BU |                                                   |                                                           |                                                                  |                                                   |                                                           |                                                                  |                                                  |                                                          |                                                                 |